

DILLON & YUDELL LLP
ATTORNEYS AT LAW

**RECEIVED
CENTRAL FAX CENTER**

DEC 07 2005

USPTO FACSIMILE TRANSMITTAL SHEET

TO:	Examiner Insun Kang	FROM:	James E. Boice, Reg. No. 44,545
ORGANIZATION:	US Patent and Trademark Office	DATE:	December 7 2005
ART UNIT:	2193	CONFIRMATION NO.:	
		TOTAL NO. OF PAGES INCLUDING COVER:	15
FAX NUMBER:	571-273-8300	APPLICATION SERIAL NO.:	10/017,059
ENCLOSED:	Appeal Brief	ATTORNEY DOCKET NO.:	CA920000041US1

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(A)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE U.S. PATENT AND TRADEMARK OFFICE ON DECEMBER 7, 2005.

SIGNATURE OF MICHELLE SANDERSON

Michelle Sanderson

This fax from the law firm of Dillon & Yudell LLP contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at 512.343.6116 so that we can arrange for the retrieval of the transmitted documents at no cost to you.

8911 N. CAPITAL OF TEXAS HWY., SUITE 2110, AUSTIN, TEXAS 78759
512.343.6116 (V) • 512.343.6446 (F) • DILLONYUDELL.COM

**RECEIVED
CENTRAL FAX CENTER**

DEC 07 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

IN RE APPLICATION OF:

ADRIAN STORISTEANU

SERIAL NO.: 10/017,059

FILED: DECEMBER 14, 2001

FOR: SYSTEM AND METHOD FOR
PROVIDING LANGUAGE-
SPECIFIC EXTENSIONS TO
THE COMPARE FACILITY IN
AN EDIT SYSTEM

§ ATTY. DOCKET NO.: CA920000041US1

§

§

§ EXAMINER: INSUN KANG

§

§

§

§

§ ART UNIT: 2193

§

§

§

§

§

APPEAL BRIEF UNDER 37 C.F.R. §1.192Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

12/08/2005 TL0111 00000052 090461 10017059
01 FC:1402 500.00 DA

This Brief is submitted in support of the Appeal of the Examiner's final rejection of Claims 42-59 in the above-identified application. A Notice of Appeal was filed in this case on October 31, 2005 and received in the United States Patent and Trademark Office on October 31, 2005. Please charge the fee of \$500.00 due under 37 C.F.R. §1.17(c) for filing the brief, as well as any additional required fees, to IBM Corporation Deposit Account No. 09-0461.

Certificate of Transmission/Mailing

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 571-273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date shown below.

Typed or Printed Name: Michelle Sanderson Date: 12-07-05

Signature: 

CA920000041US1

Appeal Brief

Serial No. 10/017,059

- 1 -

REAL PARTY IN INTEREST

The real party in interest in the present Application is International Business Machines Corporation, the Assignee of the present application as evidenced by the Assignment set forth at reel 012397, frame 0328.

RELATED APPEALS AND INTERFERENCES

There are no Appeals or Interferences known to Appellant, the Appellant's legal representative, or assignee, which would be directly affected or have a bearing on the Board's decision in the present Appeal.

STATUS OF CLAIMS

Claims 1-41 were cancelled in Amendment A sent June 20, 2005. Claims 42-59 stand finally rejected by the Examiner as noted in the Final Action dated September 6, 2005. Appellant is appealing Examiner's rejection of Claims 42-59.

STATUS OF AMENDMENTS

Subsequent to the final rejections that led to this appeal, Appellant has proposed (in Amendment B, sent October 31, 2005 with the notice of appeal) amendments to claims 42-43, 44, 48-49, 50, and 54-56 to place the claims in better form for appeal. The proposed amendments to do not raise any new issues requiring further search or consideration.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Appellant's Claim 42 recites a method including selecting at least two documents for comparison, wherein the at least two documents contain source code written in at least one programming language (Specification, page 7, lines 4-6, Figure 11). The at least one

CA920000041US1

Appeal Brief

Serial No. 10/017,059

- 2 -

programming language is identified as being utilized in the in the at least two documents (Specification, page 9, lines 22-25, Figure 3). In response to identifying the at least one programming language, a respective parser is associated to each of the at least two documents, wherein each respective parser is tailored to parse documents that utilize a specific programming language (Specification, page 9, lines 11-20, Figure 3). All associated parsers are determined whether to be of the same type (Specification, page 12, lines 37-40, Figure 5). In response to determining that all associated parsers are of the same type, either a default compare strategy or a custom compare strategy is selected when comparing the at least two documents (Specification, page 13, lines 1-10, Figure 5). In response to determining that not all associated parsers are of the same type, the default compare strategy is applied (Specification, page 13, lines 1-10, Figure 5).

Appellant's Claim 48 recites a computer-readable medium storing a computer-program product, which includes instructions for: selecting at least two documents for comparison, wherein the at least two documents contain source code written in at least one programming language (Specification, page 7, lines 4-6, Figure 11). The at least one programming language is identified as being utilized in the in the at least two documents (Specification, page 9, lines 22-25, Figure 3). In response to identifying the at least one programming language, a respective parser is associated to each of the at least two documents, wherein each respective parser is tailored to parse documents that utilize a specific programming language (Specification, page 9, lines 11-20, Figure 3). All associated parsers are determined whether to be of the same type (Specification, page 12, lines 37-40, Figure 5). In response to determining that all associated parsers are of the same type, either a default compare strategy or a custom compare strategy is selected when comparing the at least two documents (Specification, page 13, lines 1-10, Figure 5). In response to determining that not all associated parsers are of the same type, the default compare strategy is applied (Specification, page 13, lines 1-10, Figure 5).

Appellant's Claim 54 recites a data processing system including a system memory storing a computer program product including instructions for: selecting at least two documents for comparison, wherein the at least two documents contain source code written in at least one programming language (Specification, page 7, lines 4-6, Figure 11). The at least one programming language is identified as being utilized in the in the at least two documents (Specification, page 9, lines 22-25, Figure 3). In response to identifying the at least one

programming language, a respective parser is associated to each of the at least two documents, wherein each respective parser is tailored to parse documents that utilize a specific programming language (Specification, page 9, lines 11-20, Figure 3). All associated parsers are determined whether to be of the same type (Specification, page 12, lines 37-40, Figure 5). In response to determining that all associated parsers are of the same type, either a default compare strategy or a custom compare strategy is selected when comparing the at least two documents (Specification, page 13, lines 1-10, Figure 5). In response to determining that not all associated parsers are of the same type, the default compare strategy is applied (Specification, page 13, lines 1-10, Figure 5).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner's rejection of Appellant's Claims 42-59 under 35 U.S.C. § 102(b) as being anticipated by LPEX Editor User's Guide (IBM, 1998 – hereinafter referred to as "LPEX" is to be reviewed on Appeal.

ARGUMENTS

In the Examiner's Final Action, Claims 42-59 were rejected under 35 U.S.C. § 102(e) as being anticipated by LPEX. The Examiner's rejection should be reversed because LPEX does not teach or suggest each claimed feature.

Regarding exemplary Claim 42, LPEX does not teach or suggest "determining whether all associated parsers are of a same type". According to page 4 of the Final Action, Examiner claims that LPEX Chapter 4 "Using Parsers", page 23 discloses the claimed element. LPEX does disclose opening a file and automatically running a load macro utilized to invoke a parser whose file name is composed of the extension of the file being loaded and an extension of .lxl. However, Applicant believes that LPEX does not teach or suggest "determining whether all associated parsers are of the same type", as indicated in Claim 42.

Claim 42 clearly indicates that the term "all associated parsers" refer to parsers associated to the "at least two documents" selected for comparison. "All associated parsers" then are compared to each other to determine if they are of the same type (See Specification, page 12, lines 37-40, Figure 5). For example, if a first document includes C source code, a C parser is associated to the first document. If a second document includes Pascal source code, a Pascal parser is associated to the second document. Then, the C parser and the Pascal parser are compared to determine if they are of the same type, which they clearly are not. LPEX only discloses invoking select parsers depending on the type of document opened. Therefore, Applicant believes that LPEX does not teach or suggest "determining whether all associated parsers are of the same type".

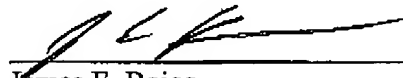
In the alternative, according to page 4 of the Final Action, Examiner claims that LPEX Chapter 5 “Customizing Editor Appearance and Function”, page 25 teaches or suggests “in response to determining that all associated parsers are of the same type, selecting either a default compare strategy or a custom compare strategy when comparing the at least two documents” (Claim 42). However, LPEX page 25 merely discloses “creat[ing] macros and load profiles to handle more elaborate customizations”. Having an option to create macros and load profiles does not teach or suggest “in response to determining that all associated parsers are of the same type, selecting either a default compare strategy or a custom compare strategy when comparing the at least two documents”. LPEX does not disclose “determining that all associated parsers are of the same type” as indicated above or that in response to that determination, “selecting a default compare strategy or a custom compare strategy when comparing the at least two documents” (See Claim 42 and Specification, page 13, lines 1-10, Figure 5).

Accordingly, in light of the preceding arguments, Appellant believes that independent Claims 42, 48, 54 and all dependent claims are not anticipated by LPEX and are thus not rendered unpatentable.

CONCLUSION

Appellant has pointed out with specificity the manifest error in the Examiner's rejection, and the claim language which renders the invention patentable over the reference. Appellant, therefore, respectfully requests that this case be remanded to the Examiner with instructions to issue a Notice of Allowance for all pending claims.

Respectfully submitted,



James E. Boice
Reg. No. 44,545
DILLON & YUDELL LLP
8911 N. Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512-343-6116

ATTORNEY FOR APPELLANTS

CLAIMS APPENDIX

1-41. (cancelled)

42. A method comprising:

selecting at least two documents for comparison, wherein the at least two documents contain source code written in at least one programming language;

identifying the at least one programming language as being utilized in the at least two documents;

in response to the identifying, associating a respective parser to each of the at least two documents, wherein each respective parser is tailored to parse documents that utilize a specific programming language;

determining whether all associated parsers are of a same type;

in response to determining that all associated parsers are of the same type, selecting either a default compare strategy or a custom compare strategy when comparing the at least two documents; and

in response to determining that not all associated parsers are of the same type, applying the default compare strategy.

43. The method according to Claim 42, further comprising:

in response to selecting the custom compare strategy when comparing the at least two documents, selecting at least one compare option to be utilized in the custom compare strategy.

44. The method according to Claim 42, further comprising:

in response to selecting the custom compare strategy when comparing the at least two documents, displaying a compare dialog for selecting at least one compare option to be utilized in the custom compare strategy.

45. The method according to Claim 42, wherein the respective parser reads and analyzes documents according to file type, maintains document information throughout document editing, provides token colorization, provides a content-outline of the document, provides code-assist

functions, provides automatic formatting of user input, provides navigation between classes and tokens, and provides language-sensitive help on contents of the document.

46. The method according to Claim 42, wherein the comparison is performed while ignoring comments.

47. The method according to Claim 42, wherein the comparison anticipates expected differences between the at least two documents including a change of a class or a variable name.

48. A computer-readable medium storing a computer-program product, comprising instructions for:

selecting at least two documents for comparison, wherein the at least two documents contain source code written in at least one programming language;

identifying the at least one programming language as being utilized in the at least two documents;

in response to the identifying, associating a respective parser to each of the at least two documents, wherein each respective parser is tailored to parse documents that utilize a specific programming language;

determining whether all associated parsers are of a same type;

in response to determining that all associated parsers are of the same type, selecting either a default compare strategy or a custom compare strategy when comparing the at least two documents; and

in response to determining that not all associated parsers are of the same type, applying the default compare strategy.

49. The computer-readable medium according to Claim 48, storing a computer-program product, further comprising instructions for:

in response to selecting the custom compare strategy when comparing the at least two documents, selecting at least one compare option to be utilized in the custom compare strategy.

50. The computer-readable medium according to Claim 48, storing a computer-program product, further comprising instructions for:

in response to selecting the custom compare strategy when comparing the at least two documents, displaying a compare dialog for selecting at least one compare option to be utilized in the custom compare strategy.

51. The computer-readable medium according to Claim 48, wherein the computer program product further includes instructions for:

reading and analyzing documents according to file type;
maintaining document information throughout document editing;
providing token colorization;
providing a content-outline of the document;
providing code-assist functions;
providing automatic formatting of user input;
providing navigation between classes and tokens; and
providing language-sensitive help on contents of the document.

52. The computer-readable medium according to Claim 48, storing a computer program product, wherein the instructions for the comparison is performed while ignoring comments.

53. The computer-readable medium according to Claim 48, storing a computer program product, wherein the instructions for the comparison anticipates expected differences between the at least two documents including a change of a class or a variable name.

54. A data processing system comprising:

at least one processor;
a system memory coupled to said processor, said system memory storing a computer program product including instructions for:

selecting at least two documents for comparison, wherein the at least two documents contain source code written in at least one programming language;

identifying the at least one programming language as being utilized in the at least two documents;

in response to the identifying, associating a respective parser to each of the at least two documents, wherein each respective parser is tailored to parse documents that utilize a specific programming language;

determining whether all associated parsers are of a same type;

in response to determining that all associated parsers are of the same type, selecting either a default compare strategy or a custom compare strategy when comparing the at least two documents; and

in response to determining that not all associated parsers are of the same type, applying the default compare strategy.

55. The data processing system according to Claim 51, wherein the computer program product further comprises instructions for:

in response to selecting the custom compare strategy when comparing the at least two documents, selecting at least one compare option to be utilized in the custom compare strategy.

56. The data processing system according to Claim 51, wherein the computer program product further comprises instructions for:

in response to selecting the custom compare strategy when comparing the at least two documents, displaying a compare dialog for selecting at least one compare option to be utilized in the custom compare strategy.

57. The data processing system according to Claim 51, wherein the computer program product further comprises instructions for:

reading and analyzing documents according to file type;

maintaining document information throughout document editing;

providing token colorization;

providing a content-outline of the document;

providing code-assist functions;

providing automatic formatting of user input;

providing navigation between classes and tokens; and
providing language-sensitive help on contents of the document.

58. The data processing system according to Claim 51, storing a computer program product, wherein the instructions for the comparison is performed while ignoring comments.

59. The data processing system according to Claim 51, wherein the comparison anticipates expected differences between the at least two documents including a change of a class or a variable name.

EVIDENCE APPENDIX

CA920000041US1

Appeal Brief
- 13 -

Serial No. 10/017,059

RELATED PROCEEDINGS APPENDIX

CA920000041US1

Appeal Brief

Serial No. 10/017,059

- 14 -